

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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Jason Nieman,

Plaintiff

vs.

The Concrete Cowboy Bar, Jonathan Valz,
John Does 1-4, City of Dallas, TX, City of
Dallas Fire/EMS Dept., John McKinney,
Dwayne N. Helton, Michael Milham, City of
Dallas Police Dept., Jessica L. Morrell, Dallas
County, Texas, Dallas County Hospital
District (d/b/a Parkland Health and Hospital
System), Amanda Garcia, RN, Jane Ellen
O'Connell, M.D., Katherine M. Mapula, RN
Catherine Lewis Neal, MD, Luis Roman
Tavaras, MD, Kristie Louann Brown, RN,
University of Texas Southwest Medical Center
at Dallas, Dr. Alexander Eastman, M.D.,
Dr. Gina Sims, M.D., Dr. Jeffrey Pruitt, M.D.
Dr. Nhan Le, M.D., Dr. Kyle Molberg, M.D.,
Dr. Suhny Abbara, M.D., Dr. Anthony
Whittemore, M.D.

Defendants

Case No. **3-14CV3897-M**

Judge: _____

Magistrate Judge: _____

JURY TRIAL REQUESTED

PLAINTIFF'S FIRST COMPLAINT AT LAW

Now Comes Plaintiff JASON NIEMAN ("Nieman"), *Pro Se*, subject to authorization granted under Section 1654 of title 28 of the United States Code for self-representation, and the constitutions of the United States of America, the State of Texas, and the State of Illinois, complaining against Defendants The Concrete Cowboy Bar, Jonathan Valz, John Does 1-4, City of Dallas Fire/EMS Dept., John McKinney, Dwayne N. Helton, Michael Milham, City of Dallas Police Dept., Jessica L. Morrell, City of Dallas County Hospital District (d/b/a Parkland Health

1 and Hospital System), Amanda Garcia, RN, Jane Ellen O'Connell, M.D., Katherine M. Mapula,
2 RN, Catherine Lewis Neal, MD, Luis Roman Tavaras, MD, Kristie Louann Brown, RN,
3 University of Texas Southwest Medical Center at Dallas, Dr. Alexander Eastman, M.D.,
4 Dr. Gina Sims, M.D., Dr. Jeffrey Pruitt, M.D. , Dr. Nhan Le, M.D., Dr. Kyle Molberg, M.D.,
5 Dr. Suhny Abbara, M.D., Dr. Anthony Whittemore, M.D.
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8 INTRODUCTION

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10 1. Plaintiff brings this action to redress violations under Texas Dram Shop Act; Tex.
11 Alco. Bev. Code §§ 2.02(b), 106.14(a) [The Concrete Cowboy, Johnathan Valz and John Does
12 1, 2], Texas Common Law, and other relevant sections of Texas statutory law as to causes of
13 action for offenses including but not limited to kidnapping, false arrest, false imprisonment,
14 battery, fraud, conversion, breach of express and/or implied fiduciary duties. Plaintiff also
15 brings this action to redress violations of the Fourth and Fourteenth Amendments to the
16 Constitution of the United States of America, by way of 42 U.S.C. 1983 as to false arrest,
17 unlawful seizure, unlawful detention, and excessive force by those acting under "color of law".
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21 2. The Plaintiff is seeking damages in excess of \$50,000.01 in this matter along with
22 injunctive and equitable relief.
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24 JURISDICTION AND VENUE

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26 3. This court has jurisdiction pursuant to 28 U.S.C. 1331. Additionally, litigation is
27 proper in this district as the Defendants reside and/or regularly do business in this district, and
28 one or more of the tortious acts alleged occurred in this district. Additionally, certain
29 Defendants have submitted themselves to the laws of the State of Illinois, by virtue of
30 committing one or more tortious acts against the Plaintiff, who permanently resides in the State
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1 of Illinois, consistent with the Illinois Long-Arm Statute, 735 ILCS 5/2-209, specifically
2 subsections (1), (2), and/or (7).
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4 ADMINISTRATIVE PROCEDURE

5 4. As to the municipal/governmental Defendants, no administrative process is required.
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7 In the alternative, Plaintiff has reasonably exhausted any required administrative remedy by
8 virtue of his actions of contact with the relevant Defendants, and their refusal to respond in
9 good faith. Plaintiff has attempted to contact the relevant Defendants, and/or their apparent
10 representatives repeatedly. However, he has generally received little or no response. As to
11 Defendant DCHD/Parkland, the Defendant's representative (Brenda Neel Hight, Senior
12 Associate General Counsel) refused to respond further after Plaintiff refused to provide an
13 extensive and oppressive three page medical authorization. Plaintiff also provided a copy of the
14 drafted *Complaint* in this action to the various Defendants on or about October 8, 2014,
15 soliciting input as to the accuracy of his allegations pursuant to Fed. R. Civ. P. 11. Plaintiff has
16 received no response or rebuttal as to the pled causes and/or facts.
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20 PARTIES

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22 5. Plaintiff Nieman is a resident of Sangamon County, Illinois. Plaintiff Nieman is an
23 insurance industry professional with approximately 25 years of experience and an excellent
24 professional reputation. At the time of the initial incidents, September 14 and 15, 2014,
25 Plaintiff Nieman was in the Dallas, Texas area on personal business.
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27 6. At all relevant times, Defendant The Concrete Cowboy operated as a for profit
28 tavern/bar establishment located at 2512 Cedar Spring in Dallas, Texas. At all relevant times,
29 Johnathan Valz was the owner and operator of The Concrete Cowboy, responsible for the
30 operation of the for profit bar/tavern, including the maintenance of the premises, training and
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1 supervision of all staff, and the safety of any customers as to such for profit business operations.
2 By virtue of an oral and/or written agreement (contract) with the City of Dallas, TX and/or the
3 City of Dallas Police Department, Defendants The Concrete Cowboy and Valz were permitted
4 to employ several uniformed police officers (John Does 3 and 4) in a dual employment format
5 for the benefit of Defendant City of Dallas, Texas, as well as Defendants The Concrete Cowboy
6 and Valz.
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9 7. At all times relevant, Defendants John Doe 1 and 2 were employees of The Concrete
10 Cowboy and Johnathan Valz, serving as employees responsible, in whole or part, for the service
11 of alcoholic beverages to patrons. Defendants John Doe 1 and 2 had, at all relevant times, a
12 duty to monitor the safety and status of patrons of The Concrete Cowboy and to ensure that (1)
13 no persons adulterated the products of The Concrete Cowboy as to patrons with drugs, poisons,
14 or other similar substances and (2) not to serve alcohol to any patron who was visibly
15 intoxicated or otherwise in a physically or mentally compromised status.
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19 8. At all relevant times, Defendant City of Dallas, TX has operated as a municipal
20 corporation under the laws of the State of Texas and/or U.S. federal law. Such entity operates
21 numerous ministerial and/or governmental divisions including but not limited to, (1) operation
22 of Defendant City of Dallas Police Department, (2) operation of Defendant City of Dallas Fire
23 Department, including the Emergency Medical Services ("EMS") division. As to Defendants
24 Concrete Cowboy and Johnathan Valz, the City of Dallas, directly and/or through the Defendant
25 Police division, participated in the operation and supervision of a for profit bar/tavern operation
26 by virtue of allowing on duty law enforcement officers (including but limited to John Does 3
27 and 4) to provide security and other services for Defendants Concrete Cowboy and Johnathan
28 Valz by virtue of a dual employment format. Accordingly, Defendants City of Dallas and/or
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1 City of Dallas Police Department are vicariously liable for certain liabilities which may apply to
2 Defendants John Doe 3, 4, The Concrete Cowboy and/or Johnathan Valz.
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4 9. At all relevant times, Defendants John Doe 3 and 4 are believed to have been
5 residents of Dallas County, Texas, employed by the City of Dallas Police Department as police
6 (law enforcement) officers. Additionally, at all relevant times, Defendants John Doe 3 and 4
7 served as dual employees of Defendants The Concrete Cowboy and Johnathan Valz, providing
8 security and other services Defendants Concrete Cowboy and Valz. The actions and duties of
9 Defendants John Doe 3 and 4 were made “under color of law” as duty authorized law
10 enforcement officers for the City of Dallas, TX and/or the City of Dallas Police Department,
11 and other times were as non-governmental employees of Defendants City of Dallas, TX, City of
12 Dallas Police Department, The Concrete Cowboy and Johnathan Valz. Defendants City of
13 Dallas, TX, City of Dallas Police Department, The Concrete Cowboy and Johnathan Valz are
14 vicariously liable (respondent superior) for any actions taken by Defendants John Doe 3 and/or
15 4 which are ultimately found to be outside of any “color of law” authority.
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20 10. At all relevant times, Defendants Dwaine N. Helton and Michael Milam are believed
21 to have been residents of Dallas County, Texas, in the employ of Defendants City of Dallas
22 and/or Defendant City of Dallas Fire Department, EMS division. As governmental employees,
23 these Defendants took certain actions against Plaintiff Nieman under actual or alleged “color of
24 law”, including, in whole or part, capture of, battery against, unauthorized sedation of,
25 unauthorized restraint of, and kidnapping of Plaintiff Nieman.
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29 11. At all relevant times, Defendant Jessica L. Morrell is believed to have been in the
30 employ of Defendants City of Dallas, TX and/or the City of Dallas Police Department as a
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1 police (law enforcement) officer, acting in course and scope of duties in such role (under “color
2 of law”).
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4 12. At all relevant times, Defendant Dallas County, TX has operated as a municipal
5 corporation under the laws of the State of Texas and/or U.S. federal law. Defendant Dallas
6 County, TX operates a number of governmental and/or ministerial subdivisions including
7 Defendant Dallas County Hospital District, d/b/a Parkland Health and Hospital System
8 {“DCHD”), a for profit and/or not for profit medical facility, in the City of Dallas, Texas.
9
10 Defendants Dallas County, TX and Dallas County Hospital District have duties to ensure that
11 (1) staff acting under “color of law” are properly trained in their duties so as not to infringe
12 upon the civil or other rights of persons under their influence and/or control, (2) to not allow
13 policies or procedures which encourage or increase the events of tortious injury or property
14 damage and/or violation of civil rights of patients and other persons as to municipal and/or
15 hospital operations. As to operations of a ministerial or medical nature, Defendants Dallas
16 County, TX and DCHD are vicariously liable for the torts or offenses of their employees and/or
17 other agents, contractors, or medical professionals under their control.
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22 13. At all relevant times, Defendants Amanda Garcia, RN, Jane Ellen O’Connell, M.D.,
23 Katherine M. Mapula, RN, Catherine Lewis Neal, MD, Luis Roman Tavaras, MD and Kristie
24 Louann Brown, RN were employees of and/or independent contractors under the direct and/or
25 indirect control of Defendants Dallas County, TX and DCHD. At times actions of such persons
26 are taken “under color of law” as to municipal powers subject to oversight under Texas state
27 and/or U.S. federal law, and at times such persons act in a medical or other related role subject to
28 the laws of the State of Texas applying to medical professionals and/or as to ordinary non-
29 medical professionals. Defendants O’Connell, Neal, and Tavaras maintain supervisory authority
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1 of professionals such as Defendants Mapula and/or Brown and are legally liable for any torts or
2 offenses committed by those supervised Defendants other than those actions taken by Defendants
3 Mapula and/or Brown under "color of law".
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5 14. Defendant University of Texas Southwest Medical Center at Dallas
6 ("UTSWMCD") is a political subdivision of the State of Texas, operated as a for profit and/or
7 not for profit hospital system. Defendant UTSWMCD has a duty to ensure that (1) staff acting
8 under "color of law" are properly trained in their duties so as not to infringe upon the civil or
9 other rights of persons under their influence and/or control, (2) to not allow policies or
10 procedures which encourage or increase the events of tortious injury or property damage and/or
11 violation of civil rights of patients and other persons as to municipal and/or hospital operations.
12 As to operations of a ministerial or medical nature, Defendants Dallas County, TX and DCHD
13 are vicariously liable for the torts or offenses of their employees and/or other agents,
14 contractors, or medical professionals under their control.
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19 15. At all relevant times, Defendants Dr. Alexander Eastman, M.D., Dr. Gina Sims,
20 M.D. Dr. Jeffrey Pruitt, M.D., Dr. Nhan Le, M.D., Dr. Kyle Molberg, M.D., Dr. Suhny Abbara,
21 M.D. Dr. Anthony Whittemore, M.D. are believed to have been residents of Dallas County,
22 were employees of and/or independent contractors under the direct and/or indirect control of
23 Defendants Dallas County, TX and DCHD. At times actions of such persons are taken "under
24 color of law" as to municipal powers subject to oversight under Texas state and/or U.S. federal
25 law, and at times such persons act in a medical or other related role subject to the laws of the
26 State of Texas applying to medical professionals and/or as to ordinary non-medical
27 professionals.
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FACTS UPON WHICH CLAIMS ARE BASED

16. On September 14, 2014 Plaintiff Nieman was in Dallas, TX on personal business, staying at a downtown Dallas hotel. Plaintiff Nieman had dinner and consumed approximately 4 glasses of wine between 6 p.m. and 9 p.m., also eating dinner. Plaintiff is approximately 5'7" and 175 lbs.

17. At approximately 9:00 p.m. Plaintiff wanted to see if he could find a karaoke bar in the area. He searched through his cellular telephone and found a close by location, the "OE Penguin". Upon arrival he found that no karaoke was offered. However, he entered into a conversation with a fellow patron who identified himself as "Jason". Plaintiff does not recall consuming any alcohol at that location. After a short while, "Jason" asked Plaintiff if he would like to accompany him to another popular night spot, the "Concrete Cowboy" located at 2512 Cedar Spring in Dallas, TX. Plaintiff left with "Jason" and an unidentified female companion who was with "Jason" and they went to the Concrete Cowboy by way of the female's car, arriving at approximately 9:30 to 10:00 p.m.

18. Shortly after arrival, Plaintiff offered to buy a round of drinks for the group and gave "Jason" and the unidentified female \$20.00 U.S.D. each. "Jason" returned shortly thereafter with a drink, believed to be vodka and "Red Bull". "Jason" stated that the drink was "a shot" and Plaintiff and "Jason" each drank their shot. Upon good faith, knowledge, and/or evidence "Jason" had contaminated Plaintiff's drink with a drug at that time unknown to Plaintiff. Based upon good faith, knowledge, and/or best evidence the drug appears to have been GHB or Rohyphenol (Flunitrazepam), and said substance was placed in the drink in between the bar and the point of service to Plaintiff, just a few feet away.

1 19. Within a few minutes, the unauthorized drug caused Plaintiff to be greatly
2 compromised as to judgment, physical control and memory. However, upon good faith and/or
3 knowledge (1) staff of Defendant Concrete Cowboy, including Defendants Johnathan Valz,
4 employees John Does 1, 2, and dual employment police officers John Does 3 and 4, failed to
5 detect the drugging incident and allowed Plaintiff to be provided more alcoholic beverages
6 despite his obviously compromised and/or intoxicated condition.
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9 20. At approximately 12:00 p.m. Plaintiff Nieman was apparently trying to escape the
10 clutches of "Jason" and his female accomplice and made his way to the exterior of the Concrete
11 Cowboy bar/tavern. Shortly thereafter, Plaintiff Nieman suffered a fall on a staircase on the
12 premises. Upon good faith and/or knowledge, the fall occurred in whole or in part because of the
13 combination of (1) the unauthorized and unlawful drugging event as to his beverage, (2) the
14 defective and/or dangerous condition of the staircase and/or handrail, (3) inadequate lighting as
15 to the staircase. Plaintiff suffered a hard fall with a serious facial/cranial impact. Upon good
16 faith, evidence and/or knowledge, Plaintiff suffered a deep abrasion/laceration to his nose, a
17 serious nasal contusion, non-serious concussion from the fall.
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20 21. At approximately 12:10 p.m. Plaintiff encountered Defendants Jonathan Vaiz
21 (owner/operator of Defendant Concrete Cowboy) and two Dallas Police Officers (John Does 3,
22 4) who were serving in a dual employment role as City of Dallas Police Officer and as
23 employees/security for Defendants Concrete Cowboy and Valz. Defendants Valz and John Does
24 3 and 4 could see that Plaintiff Nieman was impaired and had a good faith basis to believe that
25 his impairment had occurred by virtue of over service of alcohol from Defendant Concrete
26 Cowboy. Additionally, Defendants Valz and John Does 3 and 4 could see that Plaintiff Nieman
27 had suffered a serious injury and were advised that such injuries were the result of a fall on the
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1 premises. Plaintiff Nieman advised Defendants Valz and John Does 3 and 4 of his desire to
2 return to his hotel downtown, which he identified by name. Rather than arranging for transport
3 or calling a taxi, Defendants Valz and John Does 3 and 4 simply allowed Plaintiff Nieman to
4 walk on, despite his obviously compromised state. Defendants Valz and John Does 3 and 4 had
5 basis to know that a special relationship as to the safety of Plaintiff Nieman had been created by
6 the operations of Defendant Concrete Cowboy and acted in breach of said duties related to such a
7 special relationship.
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11 22. At approximately 12:45 a.m. on September 15, 2014, Defendants Dwaine N. Helton
12 and Michael Milam approached Plaintiff Nieman. After a brief verbal exchange, Defendants
13 Helton and Milam captured and kidnapped Plaintiff Nieman against his will, using physical
14 force. Plaintiff Nieman repeatedly asked to be released and stated that he would not consent to
15 transport or treatment. Despite Plaintiff Nieman's requests and/or pleas, Defendants Helton and
16 Milam (1) physically restrained Plaintiff Nieman using overwhelming physical force, including
17 placing one or more knees on Plaintiff Nieman's chest and/or back, (2) restrained Plaintiff
18 Nieman using physical restraints, (3) forcibly inserted needles into Plaintiff Nieman, introducing
19 unauthorized substances into his bloodstream, including, but not limited to sedatives, (4)
20 transported Plaintiff Nieman against his will to Parkland Hospital in Dallas, owned and operated
21 by Defendants Dallas County Texas and/or Dallas County Hospital District, d/b/a Parkland
22 Health and Hospital System. During this time, Defendants Helton and Milam sized control of
23 Plaintiff Nieman's wallet and identified him as a non-indigent person. This action by
24 Defendants Helton and Milam constituted an unlawful search. Based upon standard operating
25 procedure and/or standing agreement with Parkland Hospital and related entities, they then
26 steered Nieman to Parkland Hospital, based upon such financial status.
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1 23. Upon good faith and/or knowledge, Defendant Jessica L. Morrell was acting as a
2 duly authorized law enforcement officer in the employ of Defendant City of Dallas, TX and/or
3 Defendant City of Dallas Police Department on September 15, 2014. Upon good faith and
4 knowledge, Defendant Morrell had a duty to intervene to prevent Defendants Helton and Milam,
5 and Defendants City of Dallas and/or City of Dallas Fire/EMS, Dallas County, Texas and DCHD
6 (Parkland Hospital) and their staff from capturing, kidnapping (seizing), restraining, battering,
7 sedating, and/or transporting against his will Plaintiff Nieman. Upon good faith and/or
8 knowledge, Defendant Morrell would later backdate a supposed APW002 form (Apprehension
9 by a Peace Officer Without Warrant or "APOWW") form attempting to make it appear as if
10 proper procedure had been followed as to the Plaintiff's unlawful and unauthorized capture
11 (seizure), imprisonment, sedation (battery), treatment and/or other related actions had been
12 lawful and just when they in fact had not been lawful or just under Texas state and/or federal
13 law. Moreover, pursuant to Title 7, Texas Mental Code Section 573 Defendant Morrell had a
14 duty to perform any transport of Plaintiff Nieman and/or to accompany him to ensure his safety,
15 yet she failed to do so. Moreover, to the extent that the form completed by Defendant officer
16 Morrell is legitimate, Defendant Morrell failed to follow the requirements of Section 573 such
17 that capture, kidnapping, detention, treatment, battery, and/or transport of Plaintiff Nieman was
18 not justified by such code section, the present circumstances, or any other basis.

19 24. During the early morning of September 15, 2014 Plaintiff Nieman was held captive
20 at Parkland Hospital in Dallas, Texas, an entity under the control of Defendants Dallas County,
21 Texas, and DCHD. Without his permission and/or against his express requests, hospital staff
22 cut off his clothes, destroying his shirt, pants and underwear, and stole his wallet, money,
23 identification, credit cards, insurance cards, cellular phone and related items from him by way

1 of strong arm robbery and/or robbery my virtue of restraint and/or medication.. This action by
2 the Defendants constituted acts of unlawful search and seizure. While such items were in their
3 unlawful possession, the relevant Defendants of DCHD and/or UTSWCD copied down
4 Plaintiff Nieman's personal identity information and insurance information. At no time did
5 Plaintiff Nieman give any relevant Defendant consent for treatment or billing, nor did he ever
6 consent to this outrageous intrusion as to his personal privacy.
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9 25. Over approximately the next six hours, Plaintiff Nieman was subjected to numerous
10 unauthorized physical and medical acts by Defendants including, but not necessarily limited to;
11 Amanda Garcia, RN, Jane Ellen O'Connell, M.D., Katherine M. Mapula, RN, Catherine Lewis
12 Neal, MD, Luis Roman Tavaras, MD, Kristie Louann Brown, RN, University of Texas
13 Southwest Medical Center at Dallas, Dr. Alexander Eastman, M.D., Dr. Gina Sims, M.D., Dr.
14 Jeffrey Pruitt, M.D. Dr. Nhan Le, M.D., Dr. Kyle Molberg, M.D., Dr. Suhny Abbara, M.D., and
15 Dr. Anthony Whittemore, M.D. Plaintiff was forcibly restrained, sedated, medicated, had a
16 catheter inserted into his penis/urethra, and was otherwise subjected to numerous acts of battery,
17 unauthorized medical action, and indignity at the hands of hospital staff and related persons.
18 However, despite their utter disregard for Plaintiff Nieman's rights and/or expressed wishes
19 (that he be released immediately and that no medical treatment be completed upon him) the staff
20 failed to address the only obvious injury that Plaintiff had; a deep nasal laceration. Instead, the
21 staff allowed the wound to stay filthy and untreated while they performed treatments which they
22 would later try to bill Plaintiff, and/or his insurer, approximately \$50,000.00 USD for.
23 Additionally, upon good faith and/or evidence, the unauthorized acts of the medical defendants
24 related to Dallas Fire/EMS, Parkland (DCHD) and/or USWTD committed additional acts of
25 medical negligence including, but not necessarily limited to (1) contaminating his complete
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1 blood count ("CBC") sample during draw and/or thereafter so that that his blood alcohol level
2 (BAC) was falsely reported as excessive, (2) by altering Plaintiff's blood content by the
3 introduction of other, unauthorized substances, medications and/or drugs such that the illegally
4 introduced substances were masked and/or not properly detected or reported in his CBC, and
5 such evidence of a felony battery against Plaintiff Nieman was forever lost.
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8 25. At approximately 7:00 a.m. on September 15, 2014 Plaintiff Nieman regained
9 consciousness from his ordeal, including the repeated and unauthorized medical sedation
10 completed by the various Defendants. At that time, Defendant Amanda Garcia, R.N. was
11 serving as his guard. Plaintiff Nieman informed Garcia that he wanted to leave immediately,
12 that he had authorized no capture, detention, restraint, treatment, or any other action. Defendant
13 Garcia refused and used other staff, under color of law and/or other threat of force to continue to
14 imprison Plaintiff Nieman against his will. Defendant Nieman committed and/or participated in
15 the following additional offenses:
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19 (1) She informed Plaintiff Nieman that if he tried to remove the numerous IV needles
20 that had been inserted into him that he would not be allowed to leave
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22 (2) She informed Plaintiff Nieman that if he refused to eat the breakfast that was brought
23 to him (without his request) that he would not be allowed to leave.
24

25 (3) She informed him that until he received clearance from the "psych department" that
26 he would not be allowed to leave. However, the prevailing statutes and standards, and
27 Plaintiff's responses made it clear and obvious to Defendant Garcia and all relevant
28 Defendants that he was not a legitimate mental health patient and should be released
29 immediately.
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1 (4) She informed Plaintiff Nieman that if he tried to leave she would have hospital staff
2 restrain him and/or prevent such departure by force. Defendant Garcia repeatedly cooed
3 that Plaintiff Nieman was "APOWW" and that they were free to hold him under such
4 status.
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7 26. From the period from approximately 7:00 a.m. until approximately 1:00 p.m. on
8 September 15, 2014, in direct contradiction to the *Patient's Bill of Rights* (Tex. Adm. Code
9 Title 25, Part 1, Chapter 133 et seq.) and Plaintiff's rights under Texas and/or U.S. federal
10 statutory and/or constitutional law, Plaintiff's belongings were kept from him, including his
11 cellular telephone. In contradiction to the *Patient's Bill of Rights*, requirements, Plaintiff
12 Nieman was not provided with a copy of his written rights, nor informed of his right to contact a
13 lawyer.
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16 27. At approximately 12:00 p.m. a group, allegedly from the "psych department" came
17 to the area where Plaintiff Nieman was being held against his will. They asked him a few
18 questions and quickly determined that Plaintiff Nieman was not a viable detainee as to mental
19 health considerations. Almost immediately, they cleared Plaintiff for release. However, by this
20 time Plaintiff Nieman had already been prevented from leaving so that he could attend a
21 previously scheduled business meeting in Dallas.
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24 28. At approximately 1:30 p.m. Plaintiff Nieman's wallet and phone were finally
25 returned to him. His phone's battery was fully discharged by unknown mechanism, and
26 therefore the item was useless at that time. At approximately 1:45 p.m. Plaintiff was given back
27 his clothing which had been destroyed other than his shoes, socks, and belt. Plaintiff was given
28 an inexpensive "T-shirt" and shorts as clothing. In direct violation of the relevant rules,
29 Plaintiff was not offered transport back to his hotel or even to the location where he was seized
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1 from. Accordingly, Plaintiff to arrange for transportation back to his hotel by private cab, at his
2 own expense. In addition to being in conflict with state and/or federal law and/or prevailing
3 standards, the Defendants failed to follow their own standing rules, procedures and orders, to
4 the detriment of the Plaintiff. Additionally, the medical Defendants as to Parkland Hospital
5 (DCHD) and/or USWTD showed poor medical judgment by prescribing a powerful opioid pain
6 killer (Hydrocodone) where Plaintiff had requested no painkillers or medication at all and
7 expressed only minor pain, at best.
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11 29. Subsequent to these events, Plaintiff placed all relevant Defendants on notice of the
12 incidents and his concerns. Plaintiff also specifically informed the Dallas Police Department of
13 what he believed was a unlawful battery (by drugging) event against him, provided detailed
14 information as to the suspect and suspect's likely location or reference point where he could be
15 located from. However, the Dallas Police Department took no action to investigate the events.
16 Such inaction is a breach of the department's duties as to public safety of persons in the Dallas
17 area, including out of town visitors such as the Plaintiff.
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21 30. Despite providing detailed information to the relevant parties and Defendants, none
22 of these persons have elected to provide any legitimate or good faith response. Instead,
23 Defendants City of Dallas, City of Dallas Fire/EMS, and Captain John McKinney have elected
24 to try and bill Plaintiff improperly for alleged "services" that he did not consent to and which
25 were unnecessary and/or unreasonable in nature. Similarly, Defendants City of Dallas, Dallas
26 County, Texas, Dallas County Hospital District (d/b/a Parkland Health and Hospital System),
27 Amanda Garcia, RN, Jane Ellen O'Connell, M.D., Katherine M. Mapula, RN Catherine Lewis
28 Neal, MD, Luis Roman Tavaras, MD, Kristie Louann Brown, RN, University of Texas
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1 Southwest Medical Center at Dallas, Dr. Alexander Eastman, M.D., Dr. Gina Sims, M.D., Dr.
 2 Jeffrey Pruitt, M.D.

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 4 Dr. Nhan Le, M.D., Dr. Kyle Molberg, M.D., Dr. Suhny Abbara, M.D., Dr. Anthony
 5 Whittemore, M.D. have unlawfully attempted to bill Plaintiff and/or Plaintiff's health insurer
 6 for alleged "services" that he did not consent to and which were unnecessary and/or
 7 unreasonable in nature.
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9
 10 **COUNT I: (The Concrete Cowboy Bar, Jonathan Valz, John Does 1-4); Violations of**
 11 **Texas Dram Shop Act and Related Breach of Duty as to Preventing Adulteration of**
 12 **Products**

13 31. Plaintiff restates and re-alleges by reference paragraphs 1 through 30, as if fully set
 14 forth herein against Defendants The Concrete Cowboy Bar, Jonathan Valz, John Does 1-4.

15
 16 32. In the operation of a for profit bar/tavern type business, the Defendants had a duty to
 17 provide safe products to their customers. This includes preventing or detecting adulteration of
 18 products by virtue of unauthorized substances such as GHB, or Rorphenol. Defendants had a
 19 basis to know that their products were being adulterated with such products at times, placing
 20 patrons in severe danger of rape, robbery, and other crimes. Defendants could easily have put
 21 measures into effect for the detection and prevention of such unauthorized adulteration, but
 22 elected not to, despite the nominal cost of such measures.
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 25 33. Defendants, as purveyors of alcoholic beverages for profit, have a duty not to
 26 overserve patrons and not to serve patrons who are obviously impaired and/or intoxicated,
 27 pursuant to Tex. Alco. Bev. Code §§ 2.02(b), 106.14(a). Defendants violated this duty by
 28 allowing Plaintiff to be directly and/or indirectly served alcohol that was provided through their
 29 servers and business inventories, despite the fact that Plaintiff was obviously in a compromised
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1 and/or intoxicated condition. Such action is actionable under Texas law and also constitutes a
 2 crime under section 101.63 of the Texas Alcoholic Beverage Code. Defendants The Concrete
 3 Cowboy Bar, Jonathan Valz, John Does 1, 2 are subject to strict liability for such actions and/or
 4 inaction.
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 7 34. After the Plaintiff was placed into a compromised state on their premises, and as
 8 they had actual and/or constructive notice of this status, the Defendants also assumed a special
 9 duty as to the Plaintiff's safety, which they breached. The Defendants had actual or
 10 constructive notice that Plaintiff was unable to travel on his own back to his hotel, and that his
 11 condition was created based upon a combination of (1) intoxication or impairment by alcohol
 12 provided by their for profit business (2) that the Plaintiff had suffered an unlawful and
 13 unauthorized drugging on their premises, (3) that the Plaintiff had suffered a serious fall on the
 14 premises, further aggravating his ability to arrange for transportation back to his hotel, and
 15 safety. Despite having actual and/or constructive notice of Plaintiff's status, and a special duty
 16 to ensure his safety under the circumstances, Defendants breached such duties.
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21 **COUNT II: (The Concrete Cowboy Bar, Jonathan Valz): Premises Liability**

22 35. Plaintiff restates and re-alleges by reference paragraphs 1 through 30, as if fully set
 23 forth herein against Defendants The Concrete Cowboy Bar and Jonathan Valz.
 24

25 36. Defendants The Concrete Cowboy Bar and Jonathan Valz operate a for profit
 26 business (bar/tavern) at 2512 Cedar Springs Road, in Dallas, Texas. Under Texas statutory
 27 and/or common law they have a duty to business invitees such as the Plaintiff.
 28

29 37. Despite such duties, Defendants The Concrete Cowboy Bar and Jonathan Valz
 30 allowed their premises to exist in an unreasonably dangerous condition. In particular, a
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1 staircase exists on the premises which is unreasonably dangerous as to condition, slope, status
2 of disrepair, status of handrails (and/or lack thereof) and/or as to lack of sufficient lighting in
3 the evening hours when the business is principally operated.
4

5 38. As a direct result of the unreasonably dangerous condition of the premises and/or
6 stairs, Plaintiff Nieman suffered a serious fall and facial/cranial impact at approximately 11:45
7 p.m. on September 14, 2014. As a result of the fall, Plaintiff suffered a serious nasal laceration,
8 facial contusions and/ abrasions, closed head injury (concussion), and related injuries. As a
9 direct result of the cranial impact, in whole or part, Plaintiff has suffered some loss of memory,
10 dizziness, and/or other post concussive symptoms. Plaintiff will also suffer permanent nasal
11 and/or facial scarring which will require surgical revision in order to try to eliminate and/or
12 reduce the obvious visual impact of such scarring. Plaintiff has suffered a certain degree of pain
13 and suffering and humiliation related to the injuries and the disfigurement, and will continue to
14 suffer from same to a certain degree in the future until or unless the scarring can be completely
15 revised by surgical means. Additionally, since the incident date, Plaintiff has suffered a
16 mysterious but persistent pain in his right rear back quadrant that has not been yet successfully
17 diagnosed as to cause or possible resolution. Upon good faith and/or belief, these additional
18 and possibly permanent injuries were caused by or are directly related to the Defendants'
19 negligence.
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26 39. The injuries suffered by way of the Defendants negligence was responsible, in
27 whole or part, for Plaintiff being required to miss an important personal business meeting on
28 September 15, 2014. Plaintiff suffered certain tangible costs related to the resetting of the
29 meeting, and for the costs and lost wages related to his being required to travel back to Dallas,
30 Texas several weeks later to complete the meeting.
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1 40. Defendants are legally liable for all tangible and intangible damages sustained by
2 Plaintiff as to their negligence and/or breach of duties.
3

4 **COUNT III: (John Does 3 and 4); 42 U.S.C. 1983 – Violations of the 14th Amendment to**
5 **the U.S. Constitution, Equal Protection**
6

7 40. Plaintiff restates and re-alleges by reference paragraphs 1 through 30, as if fully set
8 forth herein against Defendants John Doe 3 and 4.

9 41. At all relevant times, Defendants John Doe 3 and 4 served as dually employed
10 persons; employed as duty authorized police officers for the City of Dallas and simultaneously
11 as security officers/employees employed by Defendants The Concrete Cowboy and Johnathan
12 Valz.
13

14 42. On the late evening of September 14, 2014, and/or early morning of September 15,
15 2014, Defendants John Doe 3 and 4 encountered Plaintiff Nieman directly after he suffered a
16 serious fall on the premises. Plaintiff Nieman had obvious facial and head injuries.
17 Additionally, Defendants John Doe 3 and 4 became aware, or should have been aware, that
18 Plaintiff was in a compromised state and apparently intoxicated. Defendants John Doe 3 and 4
19 knew or should have known that Plaintiff's compromised status was caused, in whole or part,
20 by the operations of Defendants The Concrete Cowboy and Johnathan Valz which they had
21 assumed responsibility for in their official duties.
22

23 43. Upon recognizing that Plaintiff was in a compromised mental, cognitive, and/or
24 physical status, and that such compromised status was caused, in whole or part by the
25 operations of the business that they were responsible for, Defendants John Doe 3 and 4 assumed
26 a special duty as to the safety of Plaintiff Nieman.
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1 44. Despite the obvious need, and/or reasonable request of Plaintiff for transportation
2 back to his downtown Dallas hotel, Defendants John Doe 3 and 4 took no action and simply
3 allowed him to walk and/or stumble off of the premises they had assumed responsibility for.
4 This is true even though the actions and/or inactions Defendants John Doe 3 and 4 had created,
5 contributed to and/or increased the risk to Plaintiff Nieman.
6

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8 45. As a direct and proximate cause of the actions and/or inactions of Defendants John
9 Doe 3 and 4, Plaintiff Nieman would ultimately be assaulted, battered, captured, kidnapped,
10 restrained, forcibly sedated, and/or wrongfully imprisoned by other relevant Defendants.
11 Accordingly, Defendants John Doe 3 and 4 are directly responsible for the tangible and/or
12 compensatory damages suffered by and/or due to Plaintiff Nieman.
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15 **COUNT IV: (Dwaine N. Helton, Michael Milham); 42 U.S.C. 1983 – Violations of the 4th**
16 **and 14th Amendments to the U.S. Constitution, Equal Protection; Conspiracy [42 U.S.C.**
17 **1985]**

18 46. Plaintiff restates and re-alleges by reference paragraphs 1 through 30, as if fully set
19 forth herein against Defendants Dwaine N. Helton and Michael Milham.
20

21 47. At approximately 12:44 a.m. on September 15, 2014 Defendants Helton and
22 Milham happened upon Plaintiff Nieman. After a brief interaction, Defendants Helton and
23 Milham elected to physically capture Plaintiff Nieman against his will, and despite his express
24 requests that they cease such action. Shortly thereafter, Defendants Helton and Milham
25 physically forced him into their ambulance, and onto a gurney or holding device where he was
26 strapped down against his will. Defendants Helton and Milham refused to release Plaintiff
27 Nieman despite his requests and/or pleas that they do so. The actions of Defendants Helton and
28 Milham constituted an unlawful seizure in violation of the 4th and/or 14th Amendments to the
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1 U.S. Constitution. Defendants had no legitimate basis for this action and do not enjoy qualified
2 immunity for such violations of Plaintiff's constitutional rights.
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4 48. As part of their actions in capturing, kidnapping, and restraining Plaintiff Nieman,
5 Defendants Helton and Milham physically battered him, including placing one or more knees on
6 the Plaintiff's back and/or torso as part of their actions of forcibly restraining Plaintiff against
7 his will. Shortly thereafter, Defendants Helton and Milham sedated and/or drugged Plaintiff
8 Nieman against his will, rendering him unconscious. Defendants Helton and Milham took such
9 actions even though Plaintiff Nieman was able to expressly state that he was not consenting to
10 any of these actions and wanted to be immediately released. The actions of Defendants Helton
11 and Milham constituted excessive force and/or unconstitutional battery in violation of the 4th
12 and/or 14th Amendments to the U.S. Constitution. The Defendants also seized Plaintiff's wallet
13 and cellular phone, acts of unlawful search and seizure in violation of Plaintiff's 4th Amendment
14 rights. Additionally, Defendants' actions also constituted a deprivation of Plaintiff's liberty as
15 guaranteed by the 14th Amendment to the U.S. Constitution, such deprivation occurring without
16 required due process of law. Defendants had no legitimate basis for these actions and do not
17 enjoy qualified immunity for such violations of Plaintiff's constitutional rights.
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23 49. Defendants Helton and Milham then transported Plaintiff Nieman to Parkland
24 Hospital / University of Southwest Texas Medical Center in Dallas against his will. Defendants
25 Helton and Milham then transferred Nieman into the unlawful possession of the staff of
26 Parkland Hospital / University of Southwest Texas Medical Center in Dallas. The actions of
27 continuing to hold Plaintiff Nieman against his will and then allowing others to continue to hold
28 Plaintiff against his will, and despite his express requests and/or pleas for immediate release
29 constituted false imprisonment and conspiracy to commit same, in violation of the 4th and/or
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1 14th Defendants had no legitimate basis for this action and do not enjoy qualified immunity for
2 such violations of Plaintiff's constitutional rights. Amendments to the U.S. Constitution. As to
3 offenses actionable under 42 U.S.C. 1985, Defendants actions were taken in concert with
4 intention to deprive Plaintiff of his federal civil rights and/or reckless indifference of such
5 rights.
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8 50. As a direct result of the actions of Defendants Helton and Milham, Plaintiff Nieman
9 suffered physical puncture injuries from needles, injuries to his ribs, soft tissue injuries to his
10 arms and torso, soft tissue and/or organ based injuries to his kidneys, and related injury(ies).
11 The actions of Defendants Helton and Milham also directly and/or indirectly caused and/or
12 contributed to Plaintiff being unable to attend a previously scheduled business meeting on
13 September 15, 2014. The actions of Defendants Helton and Milham directly and/or indirectly
14 caused Plaintiff Nieman damages as to lost wages, required redundant travel, and other related
15 damages as the requirement to re-set such meeting(s) and to travel back to Dallas several weeks
16 later to complete the meetings originally set for September 15, 2014. Defendants Helton and
17 Milham are personally and legally responsible for the damages suffered by Plaintiff Nieman.
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22 51. Because the actions of Defendants Helton and Milham were intentional and/or
23 grossly negligent, outrageous and unacceptable, Defendants Helton and Milham have subjected
24 themselves to the imposition of significant punitive and/or exemplary damages.
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26 **COUNT V: (Dwayne N. Helton, Michael Milham, Captain John McKinney, City of Dallas**
27 **as to City of Dallas Fire/EMS); Battery, False Imprisonment, Invasion of Privacy, Medical**
28 **Negligence and/or Gross Negligence, and/or Conversion, in Violation of Texas Law**
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30 52. Plaintiff restates and re-alleges by reference paragraphs 1 through 51, as if fully set
31 forth herein against Defendants Dwayne N. Helton and Michael Milham, Captain John
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1 McKinney, City of Dallas as to City of Dallas Fire/EMS, and Dallas as to City of Dallas
2 Fire/EMS. At times the Defendants operated and acted as part of a for profit
3 medical/ambulance enterprise and at times they acted as a governmental entity.
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5 53. At the time of Defendants Helton and Milham encountering Plaintiff Nieman, he
6 was in no particular medical or other distress which justified their actions. The basic medical
7 tests that they performed upon Plaintiff Nieman against his will quickly revealed that he was in
8 no danger of death or permanent disability so as to justify any request for, and/or action as to,
9 involuntary kidnapping, seizure, capture, physical attack upon, imprisonment, forced sedation,
10 and/or medical treatment of Plaintiff Nieman.
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13 54. At all relevant times, Plaintiff Nieman refused to give consent for any action by
14 Defendants Helton and/or Milham. Instead, Plaintiff Nieman was sufficiently lucid to inform
15 Defendants Helton and Milham that he was refusing treatment and/or transport. At that time,
16 they had a duty to release him and cease any transport or treatment of him, but they refused and
17 failed to do so. Accordingly, their actions in involuntary kidnapping, seizure, capture, physical
18 attack upon, imprisonment, forced sedation, and/or medical treatment of Plaintiff Nieman
19 constitute unlawful offenses as to the laws of the State of Texas, including, but not necessarily
20 limited to, battery, false imprisonment.
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23 55. As part of their unlawful actions and conspiracy, Defendants Helton and Milham
24 unlawfully took possession of Plaintiff's wallet and identification and recorded his personal
25 information without his permission and contrary to his express communicated wishes. These
26 actions constituted unlawful conversion and invasion of privacy.
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29 56. As a direct result of the actions of Defendants Helton and Milham, Plaintiff Nieman
30 suffered physical puncture injuries from needles, injuries to his ribs, soft tissue injuries to his
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1 arms and torso, and related injury. The actions of Defendants Helton and Milham also directly
2 and/or indirectly caused and/or contributed to Plaintiff being unable to attend a previously
3 scheduled business meeting on September 15, 2014. The actions of Defendants Helton and
4 Milham directly and/or indirectly caused Plaintiff Nieman damages as to lost wages, required
5 redundant travel, and other related damages as the requirement to re-set such meeting(s) and to
6 travel back to Dallas several weeks later to complete the meetings originally set for September
7 15, 2014. Defendants Helton and Milham are legally responsible for the damages suffered by
8 Plaintiff Nieman.
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12 57. Because the actions of Defendants Helton and Milham were intentional and/or
13 grossly negligent, committed in malice, and/or outrageous and unacceptable, Defendants Helton
14 and Milham have subjected themselves to the imposition of significant punitive and/or
15 exemplary damages. Additionally, to the extent that Defendants Helton and Milham falsely
16 claimed to have followed proper procedure as to involuntary imprisonment and action under
17 Texas Mental Health Code 573, with knowledge of such falsity, Defendants Helton and Milham
18 are subject to punitive and/or exemplary damages as a result of such fraud.
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22 58. Defendants City of Dallas, City of Dallas Fire/EMS and Captain John McKinney
23 had a duty to train and supervise Defendants Helton and Milham so as to prevent the types of
24 abuses, torts, and misconduct which were committed by Defendants Helton and Milham against
25 Plaintiff Nieman. As Defendants City of Dallas, City of Dallas Fire/EMS and Captain John
26 McKinney had a right and duty to control the actions of Defendants Helton and Milham, they
27 are vicariously liable for the torts of Defendants Helton and Milham and the damages suffered
28 by Plaintiff Nieman. Because Defendants City of Dallas, City of Dallas Fire/EMS and Captain
29 John McKinney showed reckless indifference as to, and/or subsequently ratified the unlawful,
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outrageous, fraudulent, malicious, and/or grossly negligent actions of Defendants Helton and Milham they are vicariously liable for any compensatory, exemplary and/or punitive damages which may be assessed against Defendants Helton and Milham.

COUNT VI: (City of Dallas, TX (as to City of Dallas Fire/EMS), City of Dallas Fire/EMS, Violations of the 4th and 14th Amendments to the U.S. Constitution, *Monell*)

59. Plaintiff restates and re-alleges by reference paragraphs 1 through 58, as if fully set forth herein against these Defendants.

60. Defendants City of Dallas, TX (as to City of Dallas Fire/EMS), City of Dallas Fire/EMS, have and had a duty to properly train employees acting under actual, alleged, implied, or believed “color of law”. Defendants similarly have and had a duty not to allow policies or procedures to be in place that cause or encourage violations of the federal civil rights of persons such as Plaintiff Nieman.

61. By virtue of act and/or omission, Defendants created, allowed and/or encouraged (1) excessive and/or unjustified use of Texas Mental Health Code 573 (“APOWW”) as a basis to routinely capture, batter, restrain, sedate, and transport persons contrary to their federal civil rights, such persons including, but not limited to the Plaintiff, (2) the improper use of physical and/or chemical restraints and sedation to forcible imprison, detain, and/or to render unconscious persons who legitimately refuse and/or refused medical treatment.

62. By virtue of their actions and/or inactions in creating and/or allowing an environment that has led to tangible constitutional violations against Plaintiff Nieman, and apparently many others, Defendants City of Dallas and City of Dallas Fire/EMS are legally liable to Plaintiff for the damages, injuries, humiliation suffered by him and/or related compensation which he is justly entitled to..

COUNT VII: (Jessica L. Morrell, Violations of the 4th and 14th Amendments to the U.S. Constitution, Equal Protection, Conspiracy [42 U.S.C. 1985])

63. Plaintiff restates and re-alleges by reference paragraphs 1 through 30, as if fully set forth herein against Defendant Jessica L. Morrell.

64. Upon good faith, belief, and evidence, Defendant Morrell was on duty (in the course and scope of duties) as a City of Dallas Police Department officer on the evening of September 14, 2014, and early morning of September 15, 2014.

65. Upon good faith, belief, and/or evidence, Defendant Morrell was made aware of the unlawful actions of Defendants Helton and Milham as to their actions in seeking to capture, kidnap, restrain, batter, imprison, sedate and/or transport Plaintiff Nieman. Upon good faith, belief, and evidence, Defendant Morrell participated in such unconstitutional abuse and unlawful seizure of the Plaintiff, and/or attempted to improperly ratify the actions of DFD EMS, Helton and Milham after the fact. In the alternative, Defendant Morrell had a duty and clear opportunity to prevent such unconstitutional actions and abuse by Helton and Milham but failed to act as required to protect Plaintiff Nieman and preserve his constitutional rights, despite a clear duty to do so by way of intervention consistent with her police power authorities. Defendant's actions and/or inactions constituted unlawful seizure and/or imprisonment, unlawful participation in such seizure/imprisonment, as to Plaintiff, in violation of Plaintiff's 4th and/or 14th Amendment rights. Additionally, Defendant's actions and/or failure to act as required by intervention as to the actions of Defendants Helton and Milham, constituting a deprivation of Plaintiff's liberty as guaranteed by the 14th Amendment to the U.S. Constitution. Such deprivation was completed by Defendant Morrell by acts and/or omissions occurring without required due process of law. Defendant Morrell had no legitimate basis for these

1 actions and does not enjoy qualified or other immunity for such actions or in actions in violation
2 of Plaintiff's constitutional rights.

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4 66. Additionally, Upon good faith, belief, and evidence, Defendant Morrell knew or
5 should have known that Plaintiff Nieman's compromised condition was created and/or
6 contributed to by the City of Dallas, Texas, and its participation in the operations of Defendant
7 Concrete Cowboy and/or Johnathan Vaiz as to a for profit business (bar/tavern). As Defendant
8 Morell had a reasonable basis to know or believe that a special relationship had been created as
9 to Plaintiff Nieman as to her and/or the City of Dallas Defendants, she was required to protect
10 Plaintiff Nieman from further harm. Defendant Morrell breached this duty.

11
12 67. Based upon the information and evidence available to her, Defendant Morrell did
13 not have a reasonable basis to believe that she had any justification to participate in and/or to
14 allow others in her presence or under her authority to attack, batter, capture, kidnap, restrain,
15 sedate, medically treat and/or transport Plaintiff Nieman against his will and/or without his
16 express consent. Plaintiff Nieman had committed no crime nor was he suspected of any crime.
17 Moreover, Plaintiff Nieman had not threatened anyone and did not represent a reasonable
18 danger to himself or others.

19
20 68. To the extent that Defendant Morrell attempted to ratify or authorize Plaintiff
21 Nieman's unlawful capture, kidnapping, restraint, and/or imprisonment, she was required to (1)
22 personally transport Plaintiff Nieman or to arrange for a surrogate law enforcement officer to do
23 so in her stead, to ensure the safety of Plaintiff Nieman, (2) to the extent transport would be by
24 ambulance, Defendant Morrell had a duty to personally accompany Plaintiff Nieman or to
25 arrange for a surrogate law enforcement officer to do so in her stead, so as to ensure the safety

1 of Plaintiff Nieman. Defendant Morrell breached these duties and protections, constituting
 2 violations of the Plaintiff's constitutional rights under U.S. federal law.
 3

4 69. As to offenses actionable under 42 U.S.C. 1985, Defendants actions were taken in
 5 concert with intention to deprive Plaintiff of his federal civil rights and/or reckless indifference
 6 of such rights. To the extent that Defendant Morrell attempted to manufacture and/or backdate
 7 proof in support of her actions and/or those of others, such actions would be grossly negligent,
 8 malicious and/or fraudulent.
 9

10 70. As a direct result of Defendant Morell's actions and/or inaction Plaintiff suffered
 11 significant injury and damage. To the extent that Defendant Morrell attempted to manufacture
 12 and/or backdate proof in support of her actions and/or those of others, such actions would be
 13 grossly negligent, malicious and/or fraudulent and would subject her to the imposition of
 14 punitive and/or exemplary damages.
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18 **COUNT VIII: (Amanda Garcia, RN, Jane Ellen O'Connell, M.D., Katherine M. Mapula,**
 19 **RN, Catherine Lewis Neal, MD, Luis Roman Tavaras, MD, Kristie Louann Brown, RN,**
 20 **Dr. Alexander Eastman, M.D., Dr. Gina Sims, M.D., Dr. Jeffrey Pruitt, M.D. Dr. Nhan**
 21 **Le, M.D., Dr. Kyle Molberg, M.D., Dr. Suhny Abbara, M.D., Dr. Anthony Whittemore,**
 22 **M.D.): 42 U.S.C. 1983 – Violations of the 4th and 14th Amendments to the U.S.**
 23 **Constitution, Equal Protection, False Imprisonment, Excessive Force; 42 U.S.C. 1985**
 24 **(Conspiracy)**

25 71. Plaintiff restates and re-alleges by reference paragraphs 1 through 65, as applicable,
 26 as if fully set forth herein against these enumerated Defendants. Defendants individually and/or
 27 collectively acted under actual or alleged "color of law" at one or more relevant times.
 28 However, Defendants do not enjoy qualified immunity as such actions taken under "color of
 29 law".
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1 72. Each of these Defendants directly and/or indirectly participated in the unlawful
2 imprisonment of Plaintiff Nieman by virtue of (1) failing to release Plaintiff from custody
3 and/or restraint and/or failure to intervene to order Plaintiff Nieman's release from unlawful
4 and/or unconstitutional involuntary custody, (2) failing to intervene by virtue of individual
5 and/or supervisory authority to effect the release of Plaintiff from his unlawful imprisonment
6 and/or physical restraint.
7

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9 73. Each of these Defendants directly and/or indirectly participated improper and/or
10 excessive force against Plaintiff Nieman by virtue of (1) placing Plaintiff in unnecessary and
11 unreasonable physical restraint, (2) using chemicals and/or drugs to sedate Plaintiff against his
12 will and despite his express requests for immediate release and cessation of medical activity
13 upon him, (3) the placement of a forced catheter in the Plaintiff's penis/urethra as part of
14 unauthorized treatment and/or sedation, (3) to attempt to charge egregious amounts under the
15 guise of legitimate medical service charges even though all such charges were attributed to
16 action and/or alleged medical treatment which was undertaken and/or completed against the
17 express wishes of such persons, and/or completed without their express medical or other
18 consent. Additionally, Defendants' actions in holding Plaintiff against his will and forcibly
19 restraining him by physical, mechanical or chemical/medical means also constituted a
20 deprivation of Plaintiff's liberty as guaranteed by the 14th Amendment to the U.S. Constitution,
21 such deprivation occurring without required due process of law. Defendants had no legitimate
22 basis for these actions and do not enjoy qualified or other immunity for any of these actions or
23 inactions in defiance of Plaintiff's constitutional rights. By virtue of seizing Plaintiff's wallet,
24 identification, insurance cards, credit cards, cellular phone, and related items, the Defendants
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1 committed acts of unlawful seizure in violation of Plaintiff's 4th Amendment rights, and without
2 any required due process being followed.
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4 74. As a direct result of the actions and/or knowing inactions of Defendants individually
5 and/or collectively, and/or a conspiracy to commit and/or permit such offenses, Plaintiff
6 Nieman suffered physical puncture injuries from needles, suffered new and/or aggravation of
7 soft tissue injuries to his arms and torso, soft tissue injuries to his penis/urethra and related
8 organ structures, soft tissue and/or organ based injuries to his kidneys, and related injury(ies).
9 The actions of Defendants the actions of Defendants individually and/or collectively also
10 directly and/or indirectly caused and/or contributed to Plaintiff being unable to attend a
11 previously scheduled business meeting on September 15, 2014. Plaintiff Nieman has suffered
12 objective damages as to lost wages, required redundant travel, and other related damages as the
13 requirement to re-set such meeting(s) and to travel back to Dallas several weeks later to
14 complete the meetings originally set for September 15, 2014. Defendants the actions of
15 Defendants individually and/or collectively are personally and legally responsible for the
16 damages suffered by Plaintiff Nieman.
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22 75. Because the actions of the Defendants, individually and/or collectively were
23 intentional and/or grossly negligent, malicious, and/or outrageous and unacceptable, these
24 Defendants have subjected themselves to the imposition of significant punitive and/or
25 exemplary damages.
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COUNT IX: (City of Dallas, TX as to Dallas County, Texas, Dallas County Hospital District [d/b/a Parkland Health and Hospital System] (“DCHD”) and Parkland Hospital; Dallas County, Texas as to University of Texas Southwest Medical Center at Dallas (“UTSMCD”) and UTSMCD): 42 U.S.C. 1983 – Violations of the 4th and 14th Amendments to the U.S. Constitution, Equal Protection, False Imprisonment, Excessive Force [MONELL]

76. Plaintiff restates and re-alleges by reference paragraphs 1 through 70, as applicable, as if fully set forth herein against these enumerated Defendants.

77. Defendants City of Dallas, TX (as to DCHD and Parkland Hospital and the individual Defendants associated and/or employed by same), DCHD, Dallas County, Texas and UTSMCD each had a duty to properly train employees, agents, executive officers and/or independent contractors acting under actual, alleged, implied, or believed “color of law”. Defendants similarly have and had a duty not to allow policies or procedures to be in place that cause or encourage violations of the federal civil rights of persons such as Plaintiff Nieman.

78. By virtue of act and/or omission, Defendants allowed and/or encouraged (1) excessive and/or unjustified use of Texas Mental Health Code 573 (“APOWW”) as a basis to routinely capture, batter, restrain, sedate, and/or participate in transportation of persons contrary to their federal civil rights, such persons including, but not limited to the Plaintiff, (2) the improper use of physical and/or chemical restraints and sedation to forcible imprison, detain, and/or to render unconscious persons who legitimately refuse and/or refused medical treatment, (3) to attempt to charge egregious amounts under the guise of legitimate medical service charges even though all such charges were attributed to action and/or alleged medical treatment which was undertaken and/or completed against the express wishes of such persons, and/or completed without their express medical or other consent..

73. By virtue of their actions and/or inactions in creating and/or allowing an environment that has led to tangible constitutional violations against Plaintiff Nieman, and apparently many others, Defendants City of Dallas and City of Dallas Fire/EMS are legally liable to Plaintiff for the damages, injuries, humiliation suffered by him and/or related compensation which he is justly entitled to.

COUNT X: (City of Dallas, TX as to Dallas County, Texas, Dallas County Hospital District [d/b/a Parkland Health and Hospital System] (“DCHD”) and Parkland Hospital; Dallas County, Texas as to University of Texas Southwest Medical Center at Dallas (“UTSMCD”) and UTSMCD, Amanda Garcia, RN, Jane Ellen O’Connell, M.D., Katherine M. Mapula, RN, Catherine Lewis Neal, MD, Luis Roman Tavaras, MD, Kristie Louann Brown, RN, Dr. Alexander Eastman, M.D., Dr. Gina Sims, M.D., Dr. Jeffrey Pruitt, M.D. Dr. Nhan Le, M.D., Dr. Kyle Molberg, M.D., Dr. Suhny Abbara, M.D., Dr. Anthony Whittemore, M.D.): Battery, False Imprisonment, Invasion of Privacy, Medical Negligence and/or Gross Negligence, and/or Conversion, in Violation of Texas Law

74. Plaintiff restates and re-alleges by reference paragraphs 1 through 73, as appropriate and applicable, if fully set forth herein against these enumerated Defendants. At times the Defendants operated and acted as part of a for profit medical/hospital enterprise and at times they acted as a governmental entity and associated executive officers, employees, authorized agents or independent contractors of same.

75. At the time of Defendants encountering Plaintiff Nieman, he was in no particular medical or other distress which justified their actions. The basic medical tests that they performed upon Plaintiff Nieman against his will quickly revealed that he was in no danger of death or permanent disability so as to justify any request for, and/or action as to, involuntary kidnapping, seizure, capture, physical attack upon, imprisonment, forced sedation, and/or

1 medical treatment of Plaintiff Nieman. Despite these facts, and despite Plaintiff Nieman's
2 repeated requests for cessation of medical action and immediate release, the Defendants refused
3 to comply even though they had no legitimate or lawful basis for their actions.
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5 76. At all relevant times, Plaintiff Nieman refused to give consent for any action by any
6 or all of the Defendants. Instead, Plaintiff Nieman was sufficiently lucid to inform Defendants
7 that he was refusing treatment of any type and wished to be immediately released. At that time,
8 the Defendants, lacking informed consent, had an affirmative duty to cease action, release
9 Plaintiff, and to transport him back to the point of his abduction and/or to his hotel. As they
10 failed to do so, their actions in involuntary imprisonment, physical attack upon, forced sedation,
11 and/or continued medical treatment of Plaintiff Nieman constitute unlawful offenses as to the
12 laws of the State of Texas, including, but not necessarily limited to, battery and false
13 imprisonment.
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18 77. As part of their unlawful actions and conspiracy, the Defendants unlawfully took
19 possession of Plaintiff's wallet and identification and recorded his personal information and
20 insurance information, without his permission and contrary to his express communicated
21 wishes. These actions constituted unlawful conversion and invasion of privacy and also
22 represented specific violations of the *Patient's Bill of Rights* in Texas which controlled their
23 authority and required duties, in whole or part.
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26 78. As a direct result of the actions of the Defendants, individually, in concert, and/or as
27 part of an unlawful conspiracy, Plaintiff Nieman suffered physical puncture injuries from
28 needles, suffered new and/or aggravation of soft tissue injuries to his arms and torso, soft tissue
29 injuries to his penis/urethra and related organ structures, soft tissue and/or organ based injuries
30 to his kidneys, and related injury(ies). The actions of Defendants also directly and/or indirectly
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1 caused and/or contributed to Plaintiff being unable to attend a previously scheduled business
2 meeting on September 15, 2014. The actions of Defendants Helton and Milham directly and/or
3 indirectly caused Plaintiff Nieman damages as to lost wages, required redundant travel, and
4 other related damages as the requirement to re-set such meeting(s) and to travel back to Dallas
5 several weeks later to complete the meetings originally set for September 15, 2014. Defendants
6 Helton and Milham are legally responsible for the damages suffered by Plaintiff Nieman.
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9 79. Because the actions of the Defendants, individually, in concert, and/or as part of an
10 unlawful conspiracy, were intentional and/or grossly negligent, committed in malice, and/or
11 outrageous and unacceptable, the Defendants have subjected themselves to the imposition of
12 significant punitive and/or exemplary damages. Additionally, to the extent that Defendants have
13 falsely claimed to have followed proper procedure as to involuntary imprisonment and action
14 under Texas Mental Health Code 573, with knowledge of such falsity, Defendants Helton and
15 Milham are subject to punitive and/or exemplary damages as a result of such fraud.
16
17
18

19 80. Defendants City of Dallas, DCHD and UTSMCD had a duty to train and supervise
20 Defendants Helton and Milham so as to prevent the types of abuses, torts, and misconduct
21 which were committed by Defendants Helton and Milham against Plaintiff Nieman. As such,
22 these Defendants are vicariously liable for the torts of Defendants Helton and Milham and the
23 damages suffered by Plaintiff Nieman. Because the Defendants showed reckless indifference as
24 to, and/or subsequently ratified the unlawful, outrageous, fraudulent, malicious, and/or grossly
25 negligent actions of individual Defendants they are vicariously liable for any compensatory
26 and/or exemplary and/or punitive damages which may be assessed against the other relevant
27 Defendants.
28
29
30
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32

COUNT XI: (All Defendants except The Concrete Cowboy, Johnathan Valz, and John Doe 1 and 2); Violations of 18 U.S.C. 1961-1969 (The Racketeer Influenced and Corrupt Organizations Act, "RICO").

81. Plaintiff restates and re-alleges by reference paragraphs 1 through 80 against the relevant Defendants.

82. It has been widely reported by way of reliable media sources that the City of Dallas, DCHD ("Parkland Hospital"), and Dallas County, Texas have been the subject of financial and/or operational distress as to the issue of dealing with mentally ill patients, non-mental status patients and persons held against their will under "APOWW" justification. It has also been widely reported in reliable media sources that these entities, particularly DCHD have been under intense state and/or federal scrutiny based upon their patterns and practices, including alleged or identified defects in such practices. In particular, Parkview Hospital and related entities have been placed under intensive review following one or more deaths related to APOWW and/or "Psych ER" involuntary detainees, including George Cornell. Upon good faith, evidence, and/or knowledge, Parkland and UTSMD have been under direct supervision of state and/or federal authorities since at least 2011, including intensive and continuing scrutiny by the U.S. Centers for Medicare and Medicaid Services ("CMS").

83. It has similarly been widely reported that the Defendants, particularly DCHD (Parkland Hospital) began refusing indigent patients who were subject to capture, detention and/or transport under APOWW guise or justification, only accepting those who were deemed insured or capable of paying for authorized or unauthorized medical services and related charges. The Defendants formed an enterprise whereby the relevant Defendants would work together to identify persons deemed insured and/or financially solvent, and to exclude or

1 eliminate those persons deemed uninsured and/or indigent. Those persons who the participants
2 in the enterprise believed could be captured, detained, restrained, imprisoned, and/or subjected
3 to medical treatment and/or sedation under guise such as APOWW are being subjected to same.
4

5 84. In the Plaintiff's case, as appears to be the case with many others, the capture,
6 detention, restraint, sedation and treatment were refused at all relevant times. The enterprise
7 participants, as to Plaintiff Nieman and those similarly situated, chemically restrain and sedated
8 Nieman (and similarly situated persons) to eliminate their ability to continue to resist and/or
9 object to their unlawful detention, imprisonment, restraint, sedation, and/or medical treatment.
10 The unlawful and/or criminal enterprise included the municipal entities and their subdivisions as
11 well as their respective employees, and independent contractor medical professional defendants.
12

13 85. After the Plaintiff finally gained release, the relevant Defendants (enterprise
14 participants) then subsequently submitted by way of physical mail and/or electronic means, at
15 least nine (10) unauthorized bills/invoices to the Plaintiff (an Illinois resident) and/or Plaintiff's
16 health insurer, who maintains a primary office for operations as to Illinois policyholders in
17 Chicago, Illinois. These actions were first taken on or about September 15, 2014 through
18 September 24, 2014. The Defendants individually, and collectively (as part of an enterprise),
19 attempted to bill the Plaintiff's insurer as if the charges were authorized, reasonable and/or
20 necessary when in fact they were none of these.
21

22 86. Defendants acts, individually and as part of an unlawful enterprise, were taken to
23 receive moneys they were not legally entitled to. By virtue of attempting to bill Plaintiff
24 directly, and/or by way of his insurer (all residents of Illinois) was an act of interstate commerce
25 by the Defendants, of an unlawful and/or fraudulent nature. Such actions are and/or were in
26 direct violation of 18 U.S.C. 1962(b), (c) and/or (d). The actions of sending 10 or more
27
28
29
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1 invoices/bills for alleged but fraudulent services constitute more than 2 (two) predicate acts of
2 attempted and/or successful racketeering and/or billing fraud, as required by 18 U.S.C. 1961(a)
3
4 Plaintiff is entitled to civil relief for such offenses pursuant to 18 U.S.C. 1964 et seq.

5 **WHEREFORE**, Plaintiff respectfully requests:

- 6
7 A. Compensatory damages in an amount to be determined at trial to compensate
8 Plaintiff for the humiliation, anguish, emotional distress, physical distress and
9 pain, suffering, bodily injury, and/or scarring and/or disfigurement caused by the
10 Defendant's conduct, along with other appropriate consequential damages.
11
12 Defendants to be required to pay prejudgment interest to the Plaintiff on these
13 damages.
14
15 B. Compensatory damages in an amount to be determined at trial as to medical
16 expenses, travel expenses, lost income or wages, and other related tangible
17 damages caused by the Defendants individual and/or collective conduct.
18
19 C. Treble damages as to any pecuniary loss suffered by Plaintiff or his insurer
20 pursuant to 18 U.S.C. 1964.
21
22 D. As the actions of the Defendants by way of one or more employees, executive
23 officers, and/or agents (employment or otherwise) appear to have been willful,
24 intentional and/or malicious in nature, the Plaintiff respectfully requests Punitive
25 damages as allowed under U.S. federal/constitutional and/or Texas
26 constitutional, statutory and/or common law.
27
28 E. A permanent injunction enjoining all Defendants from engaging in the types of
29 illegal and/or improper practices alleged herein.
30
31
32

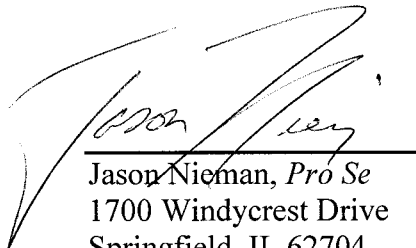
1 F. The Court retain jurisdiction of this case until such time as it is assured that the
2 Defendants have remedied the policies and practices complained of herein and is
3 determined to be in full compliance with the law;
4

5 G. An award of reasonable attorney's fees, costs, and litigation expenses, subject to
6 42 U.S.C. § 1988, 18 U.S.C. 1964, and/or other appropriate justifications under
7 statutory or case law related to such matters;
8

9 H. Such other relief as the Court may deem just or equitable.
10

11 I declare under penalty of perjury that the foregoing is true and correct to the best of my
12 knowledge.
13

14 Dated this October 30, 2014
15


16 Jason Nieman, *Pro Se*
17 1700 Windcrest Drive
18 Springfield, IL 62704
19 217 836 7126
20 Nieman46804@yahoo.com
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jason Nieman

(b) County of Residence of First Listed Plaintiff Sangamon (Illinois)

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

The Concrete Cowboy Bar, Jonathan Valz, John Does 1-4, City of Dallas, TX, City of Dallas Fire/EMS Dept., John McKinney, Dwaine N. Helton, Michael Milham, City of Dallas Police Dept., et al.

County of Residence of First Listed Defendant Dallas (TX)

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

3-14CV3897-M

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☐ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

Citizen of This State

PTF DEF

☐ 1☒ 1

Incorporated or Principal Place of Business In This State

PTF DEF

☐ 4☒ 4

Citizen of Another State

☒ 2☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5☐ 5

Citizen or Subject of a Foreign Country

☐ 3☐ 3

Foreign Nation

☐ 6☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1983

Brief description of cause:

General liability, battery, medical malpractice, civil rights violations, apparent fraud (only as to certain Defendants)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED PENDING OR CLOSED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

October 30, 2014

SIGNATURE OF ATTORNEY OF RECORD

Jason Nieman, pro se.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE